

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

10/20/23 10:55 am

CLERK

U.S. BANKRUPTCY
COURT - WDPA

IN RE:

KEITH A. PIERCE,

Debtor

KEITH A. PIERCE,

Movant

v.

BARBARA PIERCE, ERIE COUNTY TAX CLAIM
BUREAU, FAIRVIEW TOWNSHIP TAX
COLLECTOR, and RONDA J. WINNECOUR,
Chapter 13 Trustee,

Respondents

CHAPTER 13

CASE NO. 22-10434 GLT

Related to Doc. No. 111

HEARING DATE: OCTOBER 18, 2023

HEARING TIME: 10:30 A.M.

MODIFIED ORDER CONFIRMING PRIVATE SALE OF REAL ESTATE
FREE AND DIVESTED OF LIENS

AND NOW, this 20th day of October, 2023, upon consideration of the KEITH A. PIERCE, the Motion for the Sale of Real Estate, Free and Divested of Liens, to Nathaniel J. Brosig, for the sum of \$110,000.00, after hearing held in the Bankruptcy Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA, 15219, this date, the Court finds:

(1) The service of the Notice of Hearing and Order setting hearing on said Motion for Private Sale of Real Property Free and Divested of Liens, of the above named Respondents, was effected on the following secured creditors, whose liens or interests are recited in said Motion for Private Sale, viz:

DATE OF SERVICENAME OF LIEN HOLDER

September 22, 2023	Barbara Pierce 3063 West 11 th Street, #9 Erie, PA 16505
September 22, 2023	Erie County Tax Claim Bureau Erie County Courthouse 140 West 6 th Street, Room 110 Erie, PA 16501 Tax Sales MacDonald Illig Jones and Britton 100 State Street, Suite 700 Erie, PA 16507
September 22, 2023	Cindy L. Pacansky Fairview Township Tax Collector PO Box 90 Fairview, PA 16415

September 22, 2023

Ronda J. Winnecour, Esquire
Chapter 13 Standing Trustee, WD of PA
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Email: cmecf@chapter13trusteedpa.com

(2) That sufficient general notice of said sale hearing and sale, together with the confirmation hearing thereon, was given to the creditors and the parties in interest by the Movant as shown by the Certificate of Service duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised in THE ERIE TIMES NEWS on SEPTEMBER 26, 2023, and in THE ERIE COUNTY LEGAL JOURNAL on SEPTEMBER 29, 2023 as shown by the Proof of Publication duly filed and placed on the BANKRUPTCY COURT SALE WEBSITE on SEPTEMBER 22, 2023.

(4) That at the sale hearing, the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$110,000.00, offered by Nathaniel J. Brosig, was a full and fair price for the property in question.

(6) That the purchaser(s) has acted in good faith with respect to the within sale in accordance with In Re: Abbotts Dairies of Pennsylvania, Inc., 788 F2d. 143, (3d Cir. 1986).

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED, that the sale by Special Warranty Deed of the real property described as:

All that certain piece or parcel of land situate in Township of Fairview, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at the southeast corner of the whole piece at a state in the northerly line of Old Ridge Road; thence along the northern line of said road, South 74° West, passing an iron pipe in a line between Tracts 315 and 316 at distance of 45.69 feet, 119.71 feet; thence along the north line of Old Ridge Road, 72 feet to an iron pipe (being the southeast corner of the land now or formerly of George E. Norton); thence North 26° West along land now or formerly of George E. Norton, 559.4 feet to a point in the southerly line of Pennsylvania State Highway Route 272-5 (being the place of beginning); thence North 65° 46' East along said road 72 feet to a point; thence South 26° West, 225 feet to a point; thence east parallel with U.S. Route 20, fifteen (15) feet to a point; thence south, perpendicular to U.S. Route 20, 44 feet to a point; thence West, parallel with U.S. Route 20, 87 feet to a point; thence North 26° West, 269 feet to the place of beginning.

for the purchase price of \$110,000.00, is hereby CONFIRMED to Nathaniel J. Brosig, free and divested of liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary

deed and/or other documents required to transfer the title to the property purchased upon compliance with the terms of sale;

It is FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent that they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear, and divested of said liens and claims;

It is FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. The closing agent is authorized to distribute the distributions specifically authorized herein with all remaining funds to be held by Counsel for Movant pending further Order of this Court after notice and hearing:

1. 2023 Real Estate taxes owed to Cindy Pacansky, Fairview Township Tax Collector on the real property identified as Erie County Assessment No. 21-058-082.0-013.00 in the amount of \$1,832.71, plus fees and interest accrued after October 1, 2023, and for the claim for 2023 real estate taxes owed on the real property identified as Erie County Assessment No. 21-058-082.0-015.01 in the amount of \$515.62, plus fees and interest accrued after October 1, 2023.

2. Delinquent real estate taxes owed to the Erie County Tax Claim Bureau, whose address is Erie County Courthouse, 140 West 6th Street, Room 110, Erie, PA 16501 for the years of 2012 through 2022 estimated amount of \$27,768.73, plus interest and fees accrued after October 31, 2023.

3. Administrative fee to Ronda J. Winnecour, Esquire, Chapter 13 Trustee, whose address is Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219 in the amount of \$1,509.50.

4. Court approved realtor commission to be paid to Howard Hanna Real Estate Services and Coldwell Banker Select in the amount of \$5,000.00.

5. Court approved attorneys fees and costs for all legal services pertaining to this Motion and costs incurred therein in the amount of \$750.00, plus \$300.00 for representation at closing, a title report fee of \$250.00, refund of advertising costs to the ERIE TIMES NEWS, in the amount of \$351.70, and in the ERIE COUNTY LEGAL JOURNAL in the amount of \$225.00, copy fees at \$.20 per copy in the amount of \$53.20, and postage costs for

service of the within Motion and Order in the amount of \$49.98, and fee for obtaining a certified copy of the Order in the amount of \$13.50, for a total of \$1,993.38, shall be paid to Stephen H. Hutzelman, Esquire, attorney for the Debtor/Movant.

6. One percent (one half) of the real estate transfer taxes or \$1,100.00 (based upon the contract sales price of \$110,000.00).

7. One half (50%) of the net proceeds shall be paid to the co-owner, Barbara A. Pierce pursuant to the consent attached to the Motion.

8. Net proceeds, if any, shall be paid to Ronda J. Winnecour, Trustee WDPa, PO Box 84051, Chicago, IL 60689-4002. The first \$5,000 shall be earmarked for the payment of allowed general unsecured claims, with the balance to be used for distribution under Debtor's Chapter 13 Plan, upon further Order of this Court.

IT IS FURTHER ORDERED that:

(1) Within seven (7) days of the date of this Order, Debtor/Movant shall serve a copy of the within Order on each Defendant (i.e. each party against whom relief was sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Closing Agent, the Purchaser, and the attorney for the purchaser, if any, and file a certification of service;

(2) Closing shall occur within thirty (30) days of this Order;

(3) Within seven (7) days following closing, the Movant shall file a Report of Sale which shall include a copy of the HUD-1 or other Settlement Statement; and

(4) This sale confirmation Order survives any dismissal or conversion of the within case.

Date: October 20, 2023

cc: Trustee

Debtor
Counsel
Realtor/Broker
Office of the U.S. Trustee



GREGORY L. TADDONIO
UNITED STATES BANKRUPTCY JUDGE

In re:
Keith A. Pierce
Debtor

Case No. 22-10434-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Oct 20, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2023:

Recip ID	Recipient Name and Address
db	+ Keith A. Pierce, 1748 Clifford Dr., Erie, PA 16505-2806
r	+ Mary Magorien, Howard Hanna Real Estate Services, 3738 Sterrettania Road, Erie, PA 16506-2829

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Maribeth Thomas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mthomas@tuckerlaw.com, maribeth.thomas@gmail.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Stephen H. Hutzelman	on behalf of Debtor Keith A. Pierce stephen@hh-legal.com shutzelman@ecf.inforuptcy.com;ann@hh-legal.com

District/off: 0315-1

User: auto

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Date Rcvd: Oct 20, 2023

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TOTAL: 5